

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

J.P., a minor child, et. al.

Plaintiffs,

v.

BOB TAFT, et. al.,

Defendants.

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Case No. 04-CV-692

**JUDGE ALGENON L. MARBLEY
Magistrate Judge Norah M. King**

ORDER

This matter is before the Court on Plaintiffs' Motion to Compel. Pursuant to a joint decree, Defendant Ohio Department of Youth Services ("DYS") consented to conduct a bi-annual review of the Legal Assistance Program ("LAP") to ensure that DHS had sufficient legal personnel to adequately represent the state's incarcerated juveniles. DHS completed its first staffing analysis on October 7, 2007, in the form of an oral report. At a status conference on February 28, 2008, the Court clarified that all future staffing reviews must be in writing. But so as not to impose an administrative burden, the Court did not order DHS to reduce the October 7 report to written form.

However, DHS also consented to retain Fred Cohen as an independent consultant to review LAP's performance and determine whether it needed additional staff. The Court ordered both parties to cooperate fully with Cohen's inquiry. Pursuant to Plaintiffs' motion to compel, Cohen communicated to the Court that despite his requests for a written version of the October 7 staffing review, Defendants have refused to produce it. Time is of the essence because Cohen must submit his staffing recommendations to the Court no later than April 20, 2008. Therefore it is of paramount importance that DHS cooperate with him, including his request for a written

version of the October 7 staffing review, to be produced no later than Friday, April 4, 2008.

Plaintiffs' Motion to Compel is **GRANTED**.

In addition, the Court has ordered the parties to send Cohen their analysis and recommendations as to LAP's staffing needs. Because the October 7 report will assist Plaintiffs in this endeavor, the Court **GRANTS** Plaintiffs' Motion for Discovery of this document.

Defendants must therefore produce a copy to Plaintiffs no later than April 4, 2008.

IT IS SO ORDERED.

s/Algenon L. Marbley
ALGENON L. MARBLEY
UNITED STATES DISTRICT COURT

Dated: March 31, 2008